18. Promulgation of a law on the lines of the British Indian Wakf Act for the better management of Wakf properties.

MR. E. MAHOMED KUNJU (*Trading classes, Quilon*) said that *wakf* properties were properties donated by religious minded Mahomedans for the common benefit of the community. Such properties were usually dedicated to mosques and schools attached thereto. Their management rested with the authorities of the mosques concerned. But the managers or trustees did not utilise the proceeds from these properties for the purposes intended by the donors but very often utilised them for their own benefit. This state of affairs could be improved only by the Government. The Government were now spending a considerable amount for the education of Muslims. If the properties referred to above were restored and the income thereof utilised for the purpose intended, the Government would be able to get a larger amount than they were obliged to spend and this would be a gain to the Government. The need for a law governing the management of these properties was therefore imperative. There had been several representations on the same subject at previous sessions of the Assembly but it was regrettable that the Government were not taking any action in the matter. The Legislative Council which has been in existence for about 10 years has passed several laws for the benefit of the several communities including the Muslim community. A law regulating the management of *wakf* properties should also be passed before the expiry of the term of the existing Council.

DEWAN'S REPLY: I can only repeat, Mr. Mahomed Kunju, the reply given to a representation on the same subject at the last session of the Assembly. If any member of the Legislative Council belonging to your community asks for permission to introduce a bill on the subject, permission will be given. In a matter like this, it is not for the Government to take the initiative unless the community generally desires it. Government will not, therefore, undertake to introduce the bill you want, unless they are convinced that there is considerable demand for it.

19. Some suggestions regarding the Jenmi and Kudiyan Regulation Amendment Bill.

Mr. PARAMESVARAN TUPPAN NAMPUTIRI (*Jenmies, Kottayam Division*) said that in olden days the *jenmies* and *kudiyans* were living amicably mutually respecting their respective rights. But from the time when the Government began to legislate about the respective rights and duties of the *jenmies* and *kudiyans*, differences arose between them with the result that further legislation was sought for in order to define their rights. It was this desire on the part of the *jenmies* and *kudiyans* that was the cause for four Bills brought forward during the short period of 12 years and one of them was still under consideration. Each Bill attempted to secure to the *kudiyans* as much benefit and advantage as possible and deprive the *jenmies* of their rights little by little. The *kudiyans* being in the majority every time the Bill was brought forward in the Council, the

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jenmies' arguments, however reasonable they might have been, did not carry much weight. The Government were maintaining that without infringing the principles underlying the Royal Proclamation of 1042 and the Jeumi and Kudiyau Regulation of 1071, the *jenmies* should be granted as much relief as possible from the hardships they were subject to. But, as a matter of fact, the result of the recent Round Table Conference was that most of the rights and privileges enjoyed by the *jenmies* were extinguished and the Bill under consideration embodied only provisions based on the dicisions arrived at by the Conference. The Bill purported to take away the rights and privileges enjoyed by the *jenmies* for a very long time and confer the same on the *kudiyans*. If the Bill as such be passed into law, the *jenmies* would be put to untold hardship and loss. The member therefore requested the Government to take the necessary steps to see that the existing rights of the *jenmies* were not extinguished without adequate compensation. He suggested that the lands enjoyed by the *kudiyans* be given to them on recovery of adequate compensation under the Land Acquisition Regulation and that the same be paid to the *jenmies* concerned.

DEWAN'S REPLY: Mr. Tuppan Namputiri, the Jenmi and Kudiyau Regulation Amendment Bill is before the Select Committee. I suggest that you make your representations to them.

20. Misuse of the provisions of the Registration Regulation by Christians in regard to matrimonial affairs.

Mr. K. M. EIPE *(Nominated)* said that according to the tenets of Christianity mariage was a sacred contract. The incidents of marriage were monogomy and indissolubility except in certain extreme cases. But, of late, marriages were dissolved by mutual written agreement between the husband and wife and getting it registered under the Registration Regulation. This practice was peculiar to Travancore and did not prevail either in British India or Cochin, and it was eating the very vitals of the Christian community. Dissolution of marriage should be effected only as the result of an independent enquiry by an impartial and trained judicial tribunal. Even in countries where marriages were dissolved by mutual consent, the actual dissolution took place as the result of the decision of a competent court. It was high time that this mischievous practice was put an end to.

Another practice obtaining among the Travancore Christians was to effect marriages between two persons by entering into a contract in writing and getting it registered in a Sub-Registry Office. Such marriages were very often effected in a clandestine manner and in indecent haste and without the consent or knowledge of the guardians of the parties concerned. Among Christians marriages could not be arranged between parties who are within certain prohibited degrees of relationship. These rules were violated by parties to the marriages effected by registration and a Sub-Registrar was not bound to and could not enquire into this aspect of the matter in registering marriage contracts. Whether such marriages were valid, whether they could be dissolved and if so,

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